



Nancy Sylvester <nancyjs@utcourts.gov>

Self Help Center Comment on Rule 5(b)(5)(B)

Susan Vogel <susanv@utcourts.gov>

Wed, Jan 24, 2018 at 11:19 AM

To: Nancy Sylvester <nancyjs@utcourts.gov>

Cc: Barbara Townsend <barbara.townsend@utahbar.org>, Dawn Hautamaki <dawnh@utcourts.gov>, Heather Sneddon <hsneddon@aklawfirm.com>, James Hunnicutt <jim@dolowitzhunnicut.com>, "Jonathan O. Hafen" <jhafen@parrbrown.com>, Judge Amber Mettler <amettler@utcourts.gov>, Judge Andrew Stone <ahstone@utcourts.gov>, Judge Clay Stucki <cstucki@utcourts.gov>, Judge James Blanch <jblanch@utcourts.gov>, Judge Kate Toomey <ktoomey@utcourts.gov>, Judge Kent Holmberg <kholmberg@utcourts.gov>, Judge Laura Scott <lsscott@utcourts.gov>, Justin Toth <jtoth@rqn.com>, Katy Strand <katy.r.strand@gmail.com>, "Lauren E. Hosler" <lauren.hosler@stoel.com>, Leslie Slaugh <slaughl@provolawyers.com>, Lincoln Davies <daviesl@law.utah.edu>, Michael Petrogeorge <mpetrogeorge@parsonsbehle.com>, Paul Stancil <stancilp@law.byu.edu>, Rod Andreason <randreason@kmclaw.com>, Tim Pack <trp@clydesnow.com>, Trystan Smith <trystan.smith.usyt@statefarm.com>

Dear Committee,

Please excuse our late response. Our staff meetings are Wednesday mornings, but we will be moving them to Monday mornings on the weeks of this committee's meetings so we can get comments to you more quickly in the future.

Based on the comments of everyone, for which we are grateful, we see that this is a larger issue than just a change of wording. It involves local practices, technology, and now, the future arrival of MyCase as well as (perhaps) a form recently approved by the Forms Committee in which parties can agree to receive service of papers served under Rule 5 via email (raising the question whether this will ease court clerks' burden of providing documents to pro se litigants).

Our concerns about the current rule, the rule scheduled to go into effect May 1, and any future Rule 5 changes, stem from these comments we hear from pro se litigants and that we have confirmed based on our review of their files:

- They do not know when they are divorced (they do not get any notification that their divorce decrees have been signed). Note that OCAP tells people to send a self addressed stamped envelope to receive a copy; this is being changed because many courts do not do this)
- They do not get notice that their name change petition has been signed (no opposing party)
- They do not get notice that their motion to continue or motion to appear by phone has been ruled on
- They do not get copies of a court order denying the other party's motion for TRO or other ex parte motions
- They find out that the court sent papers (including court orders) to the other party but not to them, and they do not receive a copy from the other party (sometimes fueling a sense of distrust in the system)
- When they get an order of the court from the opposing party's attorney versus from the court, they question whether it is authentic (sometimes fueling a sense of distrust in the system)

We are not certain that we can arrive on a total fix of the issues raised in the very valuable emails provided by others, but here is an idea we came up with:

"Every ruling, decision, or order of the court that is allowed to be served under this rule [note: versus Rule 4, like writs, OSCs, etc.] shall be served by the court."

Thank you for allowing our input.

Susan Vogel
Self Help Center Staff Attorney

On Sun, Jan 21, 2018 at 4:37 PM, Nancy Sylvester <nancyjs@utcourts.gov> wrote:

Dear committee members,

Attached are the materials for the January 24 meeting of the Rules of Civil Procedure Committee. I have also posted them to the committee's webpage:

<http://www.utcourts.gov/committees/civproc/>.

The meeting will be held in the Judicial Council Room of the Matheson Courthouse from 4 to 6 p.m.

If you are unable to attend or need to appear by phone, please let me know by Wednesday morning.

The call-in information for those who need it is as follows:

Phone: [1-877-820-7831](tel:1-877-820-7831)

Passcode: 897882#

Sincerely,

Nancy

--

Nancy J. Sylvester
Associate General Counsel
Administrative Office of the Courts
[450 South State Street](#)
P.O. Box 140241
Salt Lake City, Utah
84114-0241
Phone: [\(801\) 578-3808](tel:(801)578-3808)
Fax: [\(801\) 578-3843](tel:(801)578-3843)
nancyjs@utcourts.gov